

<p style="text-align:center"><b>2010 Enacted Legislation</b> <b>North Carolina Community College System</b></p>
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**VSL (Voluntary Shared Leave) Nonfamily Sick Leave Donations  
(HB 213 – Insko, Lucas, Hurley)**

Session Law 2010-139 requires the adoption of rules and policies for the voluntary shared leave program that will permit the donation of sick leave to a non-family member recipient for state employees subject to the state personnel act and for public school employees. Recalling from last year, this legislation previously required the State Board of Community Colleges to add to their VSL program rules and policies to allow an employee to donate up to 5 days of sick leave per year to another employee who is not a family member. The System Office expressed concerns with this legislation and its potential impact on an institution's leave payout liability, and successfully had community colleges removed from the proposal. The State Board is directed, along with the State Personnel Commission and the State Board of Education to make annual report on the VSL program on or before October 15<sup>th</sup> each year. House Bill 213 is effective January 1, 2011.

**School Absence for Religious Holidays (HB 357 - Borsden, Allred)**

Session Law 2010-112 directs the State Board of Education, the State Board of Community Colleges, and the UNC Board of Governors to adopt rules or policies that authorize a minimum of two excused absences each academic year for religious observances required by the student's faith. The rules/policies may require that the student provide written notice of the request for an excused absence a reasonable time prior to the religious observance, and shall provide that the student shall be given an opportunity to make up works or tests missed as a result of the observance. House Bill 357 is effective when it becomes law and was signed by the Governor on July 20, 2010. The law applies beginning with the 2010-2011 academic year.

**Government Ethics and Campaign Reform Act of 2010 (HB 961 –  
Glazier, Stam, Ross, Goodwin)**

Session Law 2010-169 makes multiple statutory changes to strengthen transparency and public confidence in government. Of note to community colleges, Section 18.(c) of the bill amends G.S. 115D-28 with respect to the types of personnel records maintained by local boards of trustees that are open for public inspection. Under this new law, each local board must additionally maintain records for each employee that identify (1) the date and amount of each increase or decrease in salary with that community college, (2) the date and type of each promotion, demotion transfer, suspension, separation or other change in position classification

with that community college, (3) the date and general description of the reasons for each promotion with that community college, and (4) the date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the community college, with a copy of the written notice of dismissal attached. In addition to community college employees, these personnel disclosures are now required for records pertaining to state government employees, local boards of education employees, area mental health, developmental disabilities, and substance abuse authority employees, county government employees, city government employees, and water and sewer authority employees. This section is effective October 1, 2010 and was signed by the Governor on August 2, 2010.

### **Develop Special Needs Dental Care Workforce (HB 1693 - Farmer-Butterfield, England, Pierce, Weiss)**

Session Law 2010-92 directs the North Carolina Area Health Education Centers (AHEC) program to coordinate workforce development efforts to increase the number of dental care providers serving the special needs population. The NCCCS is among the entities with which AHEC must coordinate these efforts. AHEC shall report to the North Carolina Study Commission on Aging and the Public Health Study Commission on or before August 1, 2011. Session Law 2010-92 is effective when it becomes law and was signed by the Governor on July 11, 2010.

### **Amend Environmental Laws 2010 (HB 1766 – Gibson)**

Session Law 2010-180 amends certain environmental and natural resources laws for 2010. Of note, Section 14 of the bill requires each State agency using State funds for the construction or operation of public buildings to establish a program in cooperation with DENR and the Department of Administration for the collection and recycling of all spent fluorescent lights and thermostats that contain mercury. Community colleges are included in the listing of agencies required to participate and report on compliance on or before December 1, 2011 to DENR and the Department of Administration. Section 14 of the bill becomes effective July 1, 2011 and was signed by the Governor on August 3, 2010.

### **Community Colleges/Realign Fund Formula/Federal Loans (HB 1883/SB 1322 – Rapp/Stevens)**

House Bill 1883/Senate Bill 1322 directs the State Board to realign its funding formula by increasing the allocation for financial aid services to students and decreasing the allocation for curriculum and continuing education instruction, and requires all community colleges participate in the William D. Ford Federal Direct Loan Program by July 1, 2011, as recommended by the Joint Select Committee on State Funded Student Financial Aid. Section 8.5 of Session Law

2010-31 (2010 Appropriations Act) incorporates both the realignment and participation language contained in House Bill 1883/Senate Bill 1322.

### **Amend SEAA Board Membership (HB 1884/SB1323 – Rapp/Stevens)**

Session Law 2010-109 amends the number and composition of the membership of the Board of Directors of the State Education Assistance Authority, as recommended by the Joint Select Committee on State Funded Student Financial Aid. The chief financial officer of the North Carolina Community College System shall serve as an ex officio member of this nine-member Board of Directors. Senate Bill 1323 is effective when it becomes law and was signed by the Governor on July 20, 2010.

### **Flexibility/Community College Literacy Funds (HB 1954 – McLawhorn, Glazier, Rapp)**

House Bill 1954 grants funding flexibility to the Community College System to enable it to implement the “Basic Skills Plus” Program. The bill allows the State Board of Community Colleges to authorize a college to use up to 20% of its State Literacy Funds to provide employability skills, job-specific occupational and technical skills, and developmental education instruction to students concurrently enrolled in a community college course leading to a high school diploma or equivalent certificate. The college may waive tuition and registration fees associated with this instruction. The General Assembly took no action on this actual bill; however, Section 8.10 of Session Law 2010-31 (2010 Appropriations Act) incorporates this language. The program is effective July 1, 2010.

### **Various Economic Incentives (HB 1973 – Owens, Gibson, Wainwright, Brubaker)**

Session Law 2010-147 modifies existing economic development incentives and incents new economic development opportunities. Of interest to community colleges are amendments included in *Part III - Tax Credit for Developing Interactive Digital Media*. In this section, Article 3F of Chapter 105 of the General Statutes (taxation statutes) is amended to provide tax credits to businesses that partner with participating community colleges or universities in simulation projects. “Participating community colleges”, as defined in this legislation, means a college that offers an associate in applied science degree in simulation and game development.

## **Flexibility in Setting Salary/Community College Presidents (HB 1996/SB 740 – Tolson, Love/Malone)**

Session Law 2010-113 provides local Boards of Trustees additional flexibility in setting salaries for community college Presidents. The legislation clarifies that any salary caps set by the State Board of Community Colleges for college Presidents apply only to the State-paid portion of the salary. Senate Bill 740 is effective July 1, 2010 and was signed by the Governor on July 20, 2010.

## **Nurse Aide Training Review (SB 1191 – Swindell)**

Session Law 2010-69 directs the Division of Health Service Regulation in DHHS to coordinate a review of the education and training requirements for nurse aides as recommended by the North Carolina Study Commission on Aging. The review is to include an evaluation of the current education and training requirements for nurse aides. The Division of Health Services is to report to the Study Commission on Aging regarding findings and recommendations on the appropriate levels of education and training for nurse aides on or before November 1, 2010. The NCCCS is among the entities to be included in equal representation in conducting the review. Session Law 2010-69 is effective when it becomes law. It was signed by the Governor on July 8, 2010.

## **Clarifying Changes to General Statutes (SB 1242 – Graham)**

Session Law 2010-97 makes various clarifying changes to the General Statutes and the Session Laws. Section 9 of this bill makes a change to Session Law 2009-21, the “*Future Volunteer Firefighters and Rescue Squad Members Act of North Carolina*”. This legislation from last year amended the Wage and Hour Act to clarify that nothing in the youth employment provisions of that Act prohibited qualified youth under the age of 18 from participating in training through their fire department, the Office of the State Fire Marshall, or community colleges. The term “qualified youth under 18 years of age” was defined as an uncompensated fire department or rescue squad member who is over the age of 15 and under the age of 18 and who is a member of a bona fide fire department or of a rescue squad. The bill changes the definition of age to a youth who is “*at least*” the age of 15 and under the age of 18. Session Law 2010-97 is effective when it becomes law and was signed by the Governor on July 20, 2010.

## **Disapprove Community College Rule (SB 1245 – Stevens)**

Senate Bill 1245 disapproves rules adopted by the State Board of Community Colleges related to tuition and fees for curriculum programs. The General Assembly took no action on this actual bill; however, Section 8.6 of Session Law 2010-31 (2010 Appropriations Act) defines the circumstances under which colleges shall make refunds community college tuition refunds. This

effectively reverts back to the former policy regarding refunds and supersedes the rule adopted by the State Board of Community Colleges only for the 2010-11 fiscal year.

## **2010 Studies Act – Senate Bill 900**

### **Study Community College and UNC Demographics (SJR 1457 – Allran)**

The 2010 Studies Act (Senate Bill 900)/Session Law 2010-152 identifies a number of issues and topics that the Legislative Research Commission may study during the 2010 interim. Section 2.11 of the bill incorporates SJR 1457, allowing the Commission to study issues relating to the changing demographics in the State’s community college and university systems. The Commission may consider changes in the two systems with respect to (1) age, (2) reasons for attendance, (3) students enrolling who have prior educational experience, (4) students enrolling through college transfer programs from community colleges, and (5) any other issue the Commission deems relevant to the study. Session Law 2010-152 is effective when it becomes law and was signed by the Governor on July 22, 2010.

## **2010 Appropriations/System-Wide Bills**

### **Enrollment Growth Reserve/Community Colleges (HB 1733/SB 1127)**

House Bill 1733 and Senate Bill 1127 appropriate \$14 million in FY 2010-11 to provide for an enrollment growth reserve to assist colleges that experience enrollment growth for the fall semester that is more than 5% higher than budgeted projections. Session Law 2010-31 (2010 Appropriations Act) did not provide funding for this purpose.

### **Equipment Funds/Community Colleges (HB 1871/SB 1126)**

House Bill 1871 and Senate Bill 1126 appropriate \$5,059,624 in FY 2010-11 to fund equipment needs resulting from increased enrollment growth. Session Law 2010-31 (2010 Appropriations Act) did not provide funding for this specific purpose. The colleges’ recurring regular equipment appropriation stands at \$43.3 million. Instead, Session Law 2010-31 (2010 Appropriations Act) authorizes the State to incur up to \$33 million in certificates of participation (COPS) to support community college equipment to be used for teaching and research in the areas of health, science, engineering and technical education. Colleges may also use these funds to make capital improvements to existing facilities that are necessary to effectively utilize the equipment purchased with these funds.

## **Summer Developmental Courses/Community Colleges (HB 1938/SB 1128)**

House Bill 1938 and Senate Bill 1128 authorize community colleges to teach developmental courses and college success skills courses at any time during the year, including summer term, and earn budget FTE for the courses. The bills also appropriate \$11.6 million in FY 2010-11 to implement. Session Law 2010-31 (2010 Appropriations Act) did not provide funding for this purpose.

## **Funds for Enrollment Growth/Community Colleges (HB 1939/SB 1125)**

House Bill 1939 and Senate Bill 1125 appropriate \$85 million in FY 2010-11 to fully fund enrollment growth at community colleges. Session Law 2010-31 (2010 Appropriations Act) fully funds enrollment growth at just over \$81 million, which reflects a revision in the enrollment growth calculation based on final enrollment data.